

1 RUKIN HYLAND DORIA & TINDALL LLP
2 John F. Hyland (State Bar No. 178875)
3 Angela K. Perone (State Bar No. 245793)
4 100 Pine Street, Suite 725
5 San Francisco, CA 94111
6 Telephone: (415) 421-1800
7 Facsimile: (415) 421-1700
8 johnhyland@rhdtlaw.com
9 angelaperone@rhdtlaw.com

10
11 Attorneys for Plaintiff
12 LORENA KLOSS

13
14
15
16
17
18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20
21 SAN FRANCISCO DIVISION

22 LORENA KLOSS,

23 Plaintiff,

24 vs.

25
26
27
28 MCCORMICK & SCHMICK'S
SEAFOOD RESTAURANTS, INC., a
corporation; MCCORMICK &
SCHMICK RESTAURANT CORP., a
corporation; SPENGER'S FRESH FISH
GROTTO, a corporation; FRANK
SPENGER COMPANY, a corporation;
and DOES 1 through 25 inclusive.

Defendants.

CASE NO.: 4:10-cv-03812-SBA

STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LORENA KLOSS.

Plaintiff,

CASE NO.: 4:10-cv-03812-SBA

**STIPULATION OF DISMISSAL AND
ORDER**

vs.

MCCORMICK & SCHMICK'S SEAFOOD RESTAURANTS, INC., a corporation; MCCORMICK & SCHMICK RESTAURANT CORP., a corporation; SPENGER'S FRESH FISH GROTTO, a corporation; FRANK SPENGER COMPANY, a corporation; and DOES 1 through 25 inclusive.

Defendants.

1 WHEREAS, Plaintiff Lorena Kloss wishes to dismiss without prejudice Defendant Frank
2 Spenger Company ("FSP") and Defendant Spenger's Fresh Fish Grotto from this lawsuit;

3 WHEREAS, Defendants MCCORMICK & SCHMICK'S SEAFOOD RESTAURANTS,
4 INC. and MCCORMICK & SCHMICK RESTAURANT CORP. served their Answer on August
5 23, 2010;

6 WHEREAS, Plaintiff Kloss and Defendants MCCORMICK & SCHMICK'S SEAFOOD
7 RESTAURANTS, INC. and MCCORMICK & SCHMICK RESTAURANT CORP. agree to such
8 dismissals with each party bearing her/its own costs; and

9 WHEREAS, Plaintiff Kloss and Defendant FSP have signed a tolling agreement providing
10 that Plaintiff Kloss will voluntarily dismiss FSP from this action without prejudice subject to her
11 right to again assert claims against FSP if Kloss obtains additional facts or evidence revealing a
12 basis for liability against FSP;

13 IT IS HEREBY STIPULATED by and between the parties hereto, though their respective
14 counsel, that Plaintiff LORENA KLOSS shall dismiss, and hereby does dismiss, all claims
15 against Defendants FRANK SPENGER COMPANY and SPENGER'S FRESH FISH GROTTO
16 without prejudice pursuant to Federal Rules of Civil Procedure 41(a) with each side to bear its
17 own costs and attorneys' fees.

18
19 Dated: September 27, 2010

RUKIN HYLAND DORIA & TINDALL LLP

20
21 By: Angela Perone
22 ANGELA PERONE

23 John F. Hyland
24 johnhyland@rhdtlaw.com
25 Angela K. Perone
26 angelaperone@rhdtlaw.com
27 RUKIN HYLAND DORIA & TINDALL
28 LLP
100 Pine Street, Suite 725
San Francisco, CA 94111
Telephone: (415) 421-1800
Facsimile: (415) 421-1700

Attorneys for Plaintiff LORENA KLOSS

1 Dated: September 4, 2010

2 *October*

3 MILLER LAW GROUP

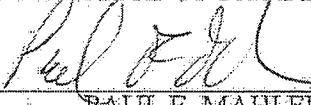
4 By: 
5 ADAM TULLMAN

6 Janine S. Simerly
7 jss@millerlawgroup.com
8 Katherine L. Kettler
9 klk@millerlawgroup.com
10 Adam J. Tullman
11 ait@millerlawgroup.com
12 MILLER LAW GROUP
13 A Professional Corporation
14 111 Sutter Street, Suite 700
15 San Francisco, CA 94104
16 Telephone: (415) 464-4300
17 Facsimile: (415) 464-4336

18 Attorneys for Defendants McCormick &
19 Schmick's Seafood Restaurants, Inc. and
20 McCormick & Schmick Restaurant Corp.

21 *October 15*
22 Dated: September 15, 2010

23 THE LAW OFFICE OF PAUL F. MAHLER

24 By: 
25 PAUL F. MAHLER

26 Paul F. Mahler
27 PMahler@MahlerLawOffice.com
28 THE LAW OFFICE OF PAUL F. MAHLER
2381 Mariner Square Drive, Suite 175
Alameda, CA 94501
Telephone: (510) 523-0100
Facsimile: (510) 523-0200

29 Attorneys for Defendant FRANK SPENGER
30 COMPANY

ORDER

WHEREAS, the parties having stipulated, pursuant to Federal Rules of Civil Procedure 41(a), the Court hereby dismisses Defendant Frank Spenger Company and Defendant Spenger's Fresh Fish Grotto without prejudice, and all parties shall bear their own costs and attorneys' fees.

It is hereby **ORDERED**.

Febaruary 7, 2011

Dated: October 2010

Sandra B. Armstrong
Hon. Sandra Brown Armstrong

Hon. Saundra Brown Armstrong
United States District Court for the
Northern District of California